

Panaji, 15th January, 2004 (Pausa 25, 1925)

SERIES II No. 42

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note:- There are Three Extraordinaries and One Supplement to the Official Gazette, Series II, No. 41 dated 8-1-2004 as follows:-

- 1) Extraordinary dated 8-1-2004 from pages 1217 to 1230 regarding Publication of Preliminary Electoral Roll of Goa State Dental Council from Department of Public Health.
- 2) Extraordinary No. 2 dated 8-1-2004 from pages 1231 to 1234 regarding Orders and Notification from Department of Finance (Revenue & Control Division).
- 3) Supplement dated 8-1-2004 from pages 1235 to 1236 regarding Notification from Department of Revenue.
- 4) Extraordinary No. 3 dated 14-1-2004 from pages 1237 to 1238 regarding Notifications from Department of Panchayati Raj and Community Development (Directorate of Panchayats).

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 48-1-90/TS

- Read:- 1. This Office Order No. 48-1-90/TS dated 4-5-1995.
2. Letter dated 20-3-1996 from Shri Arun C. P. Navelkar, Registrar's Nominee, Panaji.
 3. Letter No. 44/187/93/ABN/ARCZ/93/94 dated 23-4-96 from Asstt. Registrar of Co-op. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-93 and in terms of sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa read with sub-rule (1) of Rule 73 of the Co-op. Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Co-op. Societies, Goa am pleased to extend the term of appointment of Adv. Arun C. P. Navelkar, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Co-operative Societies referred to by the Asstt. Registrar of Co-op. Societies, Central Zone, Panaji for further period of one year with retrospective effect from 1-4-96 to 31-3-1997.

G. S. Patil, Dy. Registrar of Co-op. Societies.

Panaji, 30th April, 1996.

Order

No. 48-1-90/TS/1137

- Read:- 1. This Office Order No. 48-1-90/TS dated 27-4-1995.
2. Letter dated 9-3-1996 from Shri Shashikant A. Parab, Registrar's Nominee Bicholim.
 3. Letter No. AR/NZ/R's Nominee/SAP/90-91/175 dated 18-4-1996 from Asstt. Registrar of Co-op. Societies, North Zone, Mapusa.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-93 and in terms of sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa read with sub-rule (1) of Rule 73 of the Co-op. Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Co-op. Societies, Goa am pleased to extend the term of appointment of Adv. Shashikant A. Parab, Bicholim as Registrar's Nominee for deciding the disputes arising in any of the Co-operative Societies referred to by the Asstt. Registrar of Co-op. Societies, North Zone, Mapusa for further period of one year with retrospective effect from 1-4-96 to 31-3-1997.

G. S. Patil, Dy. Registrar of Co-op. Societies.

Panaji, 30th April, 1996.

Order

No. 48-1-90/TS/1193

- Read:- 1. This Office Order No. 48-1-90/TS dated 25-7-1995.
2. Letter dated 27-3-1996 from Shri Pranay A. Kamat, Registrar's Nominee, Panaji.
 3. Letter No. 44/235/98/ABN/95-96 dated 24-4-96 from Asstt. Registrar of Co-op. Societies, Central Zone, Panaji.

By virtue of powers delegated to me vide Government Order No. 42-4-90/TS dated 21-5-93 and in terms of sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa read with sub-rule (1) of Rule 73 of the Co-op. Societies Rules, 1962, I, G. S. Patil, Dy. Registrar of Co-op. Societies, Goa

am pleased to extend the term of appointment of Adv. Pranay A. Kamat, Panaji as Registrar's Nominee for deciding the disputes arising in any of the Co-operative Societies referred to by the Asstt. Registrar of Co-op. Societies, Central Zone, Panaji for further period of one year with retrospective effect from 1-4-96 to 31-3-1997.

G. S. Patil, Dy. Registrar of Co-op. Societies.

Panaji, 13th May, 1996.

Notification

No. 5-594-1996/ARSZ/HSG

In exercise of the powers vested in me under Section 9 of the Maharashtra Co-operative Societies Act, 1960 as applied to the State of Goa, Lakshdeep Co-operative Housing Society Ltd., Vasco da Gama is registered under code symbol No. HSG-(b)-136/South Goa/96.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-operative Societies (South Zone).

Margao, 4th April, 1996.

Certificate of Registration

Lakshdeep Co-operative Housing Society Ltd., Vasco da Gama, Goa has been registered on 4-4-1996 and it bears registration code symbol No. HSG(b)-136/South Goa/96 and it is classified as "Housing Society" under sub-classification No. 5-(b)- Tenant Co-partnership Housing Society in terms of Rule 9 of the Co-operative Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-operative Societies (South Zone).

Margao, 4th April, 1996.

Order

No. 5-244-1982/ARSZ/Credit/1770

Read:- 1. The Certificate of Registration dated 21st June, 1983 bearing code symbol No. 3-Co-op. (b)-11/South Goa/83 in respect of the Arlem Breweries Employees Co-op. Credit Society Ltd., Arlem-Raia, Salcete-Goa.

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the Arlem Breweries Employees Co-op. Credit Society Ltd., Arlem-Raia, Salcete-Goa was classified as "Salary Earners Society" in terms of Rule 9(1) 3(b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies Rules, 1962 whereby column 3 against Sub-class (b) of

item No. 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the above notification it is felt necessary to re-classify the Society which was earlier classified "Salary Earners Society" under Rule 9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In exercise of the powers vested in me under sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962 I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of the Arlem Breweries Employees Co-op. Credit Society Ltd., Arlem Raia, Salcete which was earlier classified "Salary Earners Society" under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 of the State of Goa.

It shall follow the same bye-laws as approved on 21st June, 1983 and subsequent amendment to the same approved, if any.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 7th March, 1996.

Amended Certificate of Registration

No. 5-244-1982/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 4-8-1994 as amended Rule 9 of the Co-op. Societies Rules, 1962.

2. This office Order No. 5-244-1982/ARSZ/ /Credit/1770 dated 7-3-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of registration of the Arlem Breweries Employees Co-op. Credit Society Ltd., Arlem-Raia, Salcete-Goa is amended as under.

The Certificate of registration dated 21st June, 1983 bearing code symbol No. 3-Co-op. (b)-11/South Goa/83 stands amended with immediate effect to the following extent.

The Arlem Breweries Employees Co-op. Credit Society Ltd., Arlem-Raia, Salcete-Goa has been registered on

21st June 1983 and it bears registration code symbol No. 8-RES-(a)-11/South Goa/83 and it is classified as Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 29th March, 1996.

Order

No. 5-210-1973/ARSZ/Credit/1649

Read:- 1. The Certificate of Registration dated 30th July, 1973 bearing code symbol No. 3-Co-op. (b)-25-Goa in respect of the Indian Bureau of Mines Goa, Co-operative Credit & Thrift Society Ltd., Margao-Goa.

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the Indian Bureau of Mines Goa, Co-op. Credit & Thrift Society Ltd., Margao-Goa was classified as "Salary Earners Society" in terms of Rule 9(3) (b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies Rules, 1962 whereby column 3 against Sub-class (b) of item No. 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the above notification it is felt necessary to re-classify the Society which was earlier classified "Salary Earners Society" under Rule 9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In virtue of the powers vested in me under Sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962 I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of the Indian Bureau of Mines Goa, Co-operative Credit & Thrift Society Ltd., Margao Goa which was earlier classified "Salary Earners Society" under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

It shall follow the same bye-laws as approved on 30th July, 1973.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 22nd February, 1996.

Amended Certificate of Registration

No. 5-210-1973/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 4-8-1994 as amended Rule 9 of the Co-op. Societies Rules, 1962.

2. This office Order No. 5-210-1973/ARSZ/Credit/1649 dated 22-2-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of registration of the Indian Bureau of Mines Goa Co-operative Credit & Thrift Society Ltd., Margao-Goa is amended as under:-

The Certificate of registration dated 30th July 1973 bearing code symbol No. 3-Co-op. (b)-25-Goa stands amended with immediate effect to the following extent.

The Indian Bureau of Mines Goa Co-operative Credit & Thrift Society Ltd., Margao-Goa has been registered on 30th July 1973 and it bears registration code symbol No. 8-RES-(a)-25-Goa and it is classified as Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 15th April, 1996.

Order

No. 5-211-1980/ARSZ/Credit/1724

Read:- 1. The Certificate of Registration dated 20th March, 1980 bearing code symbol No. 3-Co-op. (b)-5/South Goa/80 in respect of the Margao School Complex Co-operative Credit Society Ltd., Margao-Goa

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the Margao School Complex Co-operative Credit Society Ltd., Margao-Goa was classified as "Salary Earners Society" in terms of Rule 9(i) 3(b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies Rules, 1962 whereby column 3 against Sub-class (b) of item No. 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the

above notification it is felt necessary to re-classify the Society which was earlier classified "Salary Earners Society" under Rule 9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In exercise of the powers vested in me under sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962 I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of the Margao School Complex Co-operative Credit Society Ltd., Margao Goa which was earlier classified "Salary Earners Society" Under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 of the State of Goa.

It shall follow the same bye-laws as approved on 20th March, 1980 and subsequent amendments to the same approved, if any.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 4th March, 1996.

Amended Certificate of Registration

No. 5-211-1980/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 4-8-1994 as amended Rule 9 of the Co-op. Societies Rules, 1962.

2. This office order No. 5-211-1980/ARSZ/ /Credit/1724 dated 4-3-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of Registration of the Margao School Complex Co-operative Credit Society Ltd., Margao-Goa is amended as under.

The Certificate of Registration dated 20th March, 1980 bearing code symbol No. 3-Co-op. (b)-5/South Goa/80 stands amended with immediate effect to the following extent.

The Margao School Complex Co-operative Credit Society Ltd., Margao-Goa. has been registered on 20th March, 1980 and it bears registration code symbol No. 8-RES-(a)-5/South Goa/80 and it is classified as Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 23rd April, 1996.

Order

No. 5-209-1973/ARSZ/Credit/1539

Read:- 1. The Certificate of Registration dated 29th August, 1973 bearing code symbol No. 3-Co-op. (b)-27-Goa in respect of the The Bank of India Staff Credit Co-operative Society Ltd., Margao-Goa.

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the The Bank of India Staff Credit Co-op. Society Ltd., Margao Goa was classified as "Salary Earners Society" in terms of Rule 9(3) (b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies Rules, 1962 whereby column 3 against Sub-class (b) of item No. 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the above notification it is felt necessary to re-classify the Society which was earlier classified "Salary Earners Society" under Rule 9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In virtue of the powers vested in me under Sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962, I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of the Bank of India Staff Credit Co-op. Society Ltd., Margao Goa which was earlier classified "Salary Earners Society" Under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 of the State of Goa.

It shall follow the same bye-laws as approved on 29th August, 1973.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 14th February, 1996.

Amended Certificate of Registration

No. 5-209-1973/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 4-8-1994 as amended Rule 9 of the Co-op. Societies Rules, 1962.

2. This office order No. 5-209-1973/ARSZ/ /Credit/1539 dated 14-2-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of Registration of the Bank of India Staff Co-op. Credit Society Ltd., Margao-Goa is amended as under.

The Certificate of Registration dated 29th August, 1973 bearing code symbol No. 3-Co-op. (b)-27-Goa stands amended with immediate effect to the following extent.

The Bank of India Staff Credit Co-operative Society Ltd., Margao-Goa has been registered on 29th August 1973 and it bears registration code symbol No. 8-RES-(a)-27-Goa and it is classified as Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 29th March, 1996.

Order

No. 5-208-1974/ARSZ/Credit/1540

Read:- 1. The Certificate of Registration dated 17th May, 1974 bearing code symbol No. 3-Co-op. (b)-32/Goa in respect of Salcete Taluka Teachers Co-op. Credit Society Ltd., Margao.

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the Salcete Taluka Teachers Co-op. Credit Society Ltd., Margao was classified as "Salary Earners Society" in terms of Rule 9(3) (b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies Rules, 1962 whereby column 3 against sub-class (b) of item 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the above notification it is felt necessary to re-classify the society which was earlier classified "Salary Earners Society" under Rule 9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In virtue of the powers vested in me under sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962, I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of Salcete Taluka Teachers Co-op. Credit Society Ltd., Margao which was earlier classified "Salary Earners Society" under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 of the State of Goa.

It shall follow the same bye-laws as approved on 27th May, 1974.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 14th February, 1996.

Amended Certificate of Registration

No. 5-208-1974/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 3-8-1994 as amended Rules 9 of the Co-op. Societies Rules, 1962.

2. This office order No. 5-208-1974/ARSZ/Credit/1540 dated 14-2-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of Registration of the Salcete Taluka Teachers Co-op. Credit Society Ltd., Margao is amended as under.

The Certificate of Registration dated 17th May 1974 bearing code symbol No. 3-Co-op. (b)-32/Goa stands amended with immediate effect to the following extent.

Salcete Taluka Teachers Co-op. Credit Society Ltd., Margao has been registered on 17-5-1974 and it bears registration code symbol No. 8-RES-(a)-32/Goa and it is classified as Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 2nd April, 1996.

Order

No. 5-245-1982/ARSZ/Credit/1768

Read:- 1. The Certificate of Registration dated 25th Feb. 1983 bearing code symbol No. 3-Co-op. (b)-10/South Goa/83 in respect of the Vidhya Vikas Mandal's Employees Co-operative Credit Society Ltd., Margao-Goa.

2. Government Notification No. 42/1/93/TS dated 3-8-1994 published in the Official Gazette at Series I No. 18 dated 4-8-1994.

Whereas the Vidhya Vikas Mandal's Employees Co-operative Credit Society Ltd., Margao-Goa was classified as "Salary Earners Society" in terms of Rule 9(3) (b) of the Co-op. Societies Rules, 1962.

And whereas the Government vide Notification at Sr. No. 2 above as amended Rule 9 of the Co-op. Societies

Rules, 1962 whereby column 3 against sub-class (b) of item No. 3 of Rule 9(1) of the Co-op. Societies Rules, 1962 has been amended delating "Salary Earners Society" and inserting the same in column 3 against Sub-Class (a) of item No. 8 of the said Rule 9(1). And in view of the above notification it is felt necessary to re-classify the society which was earlier classified "Salary Earners Society" under Rule-9(3) (b) as "Credit Resource Society" under item 9(8) (a). Therefore I pass the following order.

In exercise of the powers vested in me under sub-section (2) of Section 12 of the Maharashtra Co-op. Societies Act, 1960 as applied to this State read with Sub-Rule (2) of Rule 9 of the Co-op. Societies Rules, 1962, I, C. D. Gawade, Asstt. Registrar of Co-op. Societies, South Zone, Margao, order change of classification of the Vidhya Vikas Mandal's Employees Co-operative Credit Society Ltd., Margao-Goa which was earlier classified "Salary Earners Society" under Rule 9 (3) (b) into "Credit Resource Society" under Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

It shall follow the same bye-laws as approved on 25th Feb, 1983 and subsequent amendment to the same approved if any.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies South Goa.

Margao, 7th March, 1996.

Amended Certificate of Registration

No. 5-245-1982/ARSZ/Credit

Read:- 1. Government Notification No. 42/1/93/TS dated 3-8-94 published in the Official Gazette at Series I No. 18 dated 4-8-1994 as amended Rule 9 of the Co-op. Societies Rules, 1962.

2. This office order No. 5-245-1982/ARSZ/ /Credit/1768 dated 7-3-1996 regarding change of classification of the society from "Salary Earners Society" under Rule 9(3) (b) into "Credit Resource Society" under item 9(8) (a).

Consequent upon the issue of Notification by Government referred to at Sr. No. 1 above and change of classification effected vide order at Sr. No. 2 above the Certificate of Registration of the Vidhya Vikas Mandal's Employees Co-operative Credit Society Ltd., Margao-Goa is amended as under.

The Certificate of Registration dated 25-2-1983 bearing code symbol No. 3-Co-op. (b)-10/South Goa/83 stands amended with immediate effect to the following extent.

Vidhya Vikas Mandal's Employees Co-operative Credit Society Ltd., Margao-Goa has been registered on 25th Feb. 1983 and it bears registration code symbol No. 8-RES-(a)-10/South Goa/83 and it is classified as

Credit Resource Society in terms of Rule 9(8) (a) of the Co-op. Societies Rules, 1962 for the State of Goa.

Sd/- (C. D. Gawade), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 2nd April, 1996.

Order

No. 121/1/94-MR/MKT/RCS/1133

In exercise of the powers conferred by section 59 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act XX of 1964), as in force in the State of Goa, Government of Goa hereby exempts the Goa State Agricultural Marketing Board (hereinafter called 'the Board') from the application of the Rule No. 11 of the Staff Recruitment Rules for the staff of the Board relating to the method of recruitment for filling up of 2 vacant posts of Graders in the establishment of the Board; and hereby permit the filling up of these posts by promotion of the eligible candidates as resolved under the Resolution No. 5 of the Board Meeting No. 3/2003-2004 held on 16-8-2003.

By order and in the name of the Governor of Goa.

P. K. Patidar, Registrar of Co-operative Societies & Ex-officio Joint Secretary.

Panaji, 7th November, 2003.

Order

No. 1-3-71/EST/RCS(Part)/388

The Governor of Goa is pleased to promote on ad hoc basis the following incumbents of the posts of Special Auditor/Co-op. Officer to the post of the Asstt. Registrar of Co-op. Societies Group 'B' Gazetted in the pay scale of Rs. 6500-200-10500 with immediate effect and post them as shown below:-

Sr. No.	Name of the Officer and present designation	Posted on promotion as
1.	Shri P. R. Shetye Special Auditor/Co-op. Officer Headquarters, Panaji.	Asstt. Registrar of Co-op. Societies (Marketing) Panaji.
2.	Shri P. L. Naik Special Auditor/Co-op. Officer South Zone, Margao.	Asstt. Registrar of Co-op. Societies (Headquarters) Panaji.

The above ad hoc appointments shall be for a period of six months in the first instance.

The above ad hoc appointments will not bestow the promoted Officers any claim for regular appointments and the service rendered on ad hoc basis in the grade will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

P. K. Patidar, Registrar of Co-operative Societies & Ex-officio Joint Secretary.

Panaji, 15th December, 2003.

Notification

No. 26/3/2003/TS/RCS

In exercise of the powers conferred by the proviso to Section 28 of the Maharashtra Co-operative Societies Act, 1960 (Maharashtra Act XXIV of 1961) (hereinafter called as the "said Act"), as in force in the State of Goa, the Government of Goa hereby specifies in respect of Sanjivani Sahakari Sakhar Karkhana Limited, Dayanandnagar, Post-Tisk, Goa a Society registered under the said Act, a higher amount not exceeding Rs. 1.25 lakhs in respect of individual member and Rs. 5.00 lakhs in respect of Industrial Development Corporation, Panaji, Economic Development Corporation for the purpose of clause (b) of said Section 28 of the said Act, from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

P. K. Patidar, Registrar of Co-operative Societies & Ex-officio Joint Secretary.

Panaji, 24th September, 2003.

Department of Finance**Directorate of Accounts****Order**

No. DA/Admn/45-3/2003-04/TR-1533/43

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(3)/98-2002 dated 23-7-2003, Government is pleased to promote the following Accountants of the Common Accounts Cadre under General/reserve categories to the post of Asstt. Accounts Officer (Group 'B' Gazetted post) in the pay scale of Rs. 5500-75-9000 on officiating basis with effect from the date of taking over the charge of the post.

1. Shri Mario Rodrigues.

2. Shri Kashinath G. Jhalmi.

3. Smt. Lucia Noronha.

Government is further pleased to order the posting and transfers of the following Asstt. Accounts Officers of Common Accounts Cadre as under:

Sr. No.	Name of the Officer	Posted on promotion/transfer
1	2	3
1.	Shri Mario Rodrigues	Directorate of Accounts, Panaji vice Shri P. P. Naik, transferred.
2.	Shri Kashinath G. Jhalmi	Directorate of Accounts, Panaji vice Smt. S. V. N. Gaunekar, retired.
3.	Smt. Lucia Noronha	Directorate of Education, Panaji vice Shri R. Hodarkar, transferred.
4.	Shri P. P. Naik	Directorate of Accounts, South Branch Office, Margao vice Shri G. P. Kanekar, transferred.

1	2	3
5.	Shri G. P. Kanekar	O/o S. E. Circle (I), Electricity Department Margao vice Shri John Fernandes promoted.
6.	Shri Rohidas Hodarkar	Directorate of Accounts, South Branch Office, Margao vice Shri Y. R. Hegde promoted.
7.	Smt. Vrinda B. Kambli	Directorate of Fisheries, Panaji vice Shri Ulhas Mardolkar transferred.
8.	Shri Ulhas Mardolkar	O/o Asstt. Director of Education, Central Education Zone, Panaji.

All the newly promoted officers shall be on probation for a period of two years in the first instance. They should exercise an option for fixation of pay under F. R. 22(I)(a)(1) within one month from the date of promotion.

The Officer at Sr. No. 5, 6 & 7 shall move first and officers at Sr. No. 4 and 6 are not entitled for T. A. and Joining Time as the transfers are at their own requests.

On joining their new assignments, the Officers shall send CTC/Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

Norbert Moraes, Director of Accounts & Ex-officio Joint Secretary.

Panaji, 1st August, 2003.

Order

No. DA/Admn/45-3/2003-04/TR-2960/121

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide their letter No. COM/II/11/1(3)/98-2002/Vol. III dated 23-7-2003, Government is pleased to promote Shri Pandurang K. Khandeparkar, Accountant of the Common Accounts Cadre to the post of Asstt. Accounts Officer (Group 'B' Gazetted) in the pay scale of Rs. 5500-175-9000 on officiating basis with effect from the date of taking over the charge of the post and post him as Asstt. Accounts Officer in the Directorate of Accounts, Panaji-Goa vice Shri Naguesh Bandodkar, retired.

Shri Khandeparkar, Asstt. Accounts Officer shall be on probation for a period of 2 years. He should exercise an option for fixation of pay under F. R. 22(I) (a) (1) within one month from the date of promotion.

Shri P. R. Khandeparkar, shall continue to hold the additional charge of the post of Accountant in addition to his own duty till regular substitute is posted in Government Printing Press.

On joining their new assignments, Shri Khandeparkar, shall send C.T.C./Joining Report to this Directorate.

By order and in the name of the Governor of Goa.

Norbert Moraes, Director of Accounts & Ex-officio Joint Secretary.

Panaji, 31st December, 2003.

Order

No. DA/Admn/45-7/2003-04/TR-2997/124

The services of Shri Agnelo B. Fernandes, Accounts Officer presently working in Directorate of Accounts, South Branch Office, Margao are placed at the disposal of Mormugao Municipal Council, Vasco, for his appointment on transfer on deputation as Accounts Officer in place of Shri Manohar R. Walke, Accounts Officer.

Shri Manohar Walke, Accounts Officer presently on deputation to Mormugao Municipal Council, Vasco-Goa who was repatriated to the parent cadre and posted in this Directorate as Accounts Officer in transferred and posted in the Office of Jt. Director of Accounts, South Branch Office, Margao.

The deployment of Shri Agnelo B. Fernandes, Accounts Officer shall be on deputation basis for a period of one year in the first instance and it shall be regulated as per the standard terms and conditions of deputation contained in the office Memorandum No. 13/4/74/PER dated 12-2-1999 as amended from time to time.

The Mormugao Municipal Council, Vasco shall be liable to pay to the Government leave salary and pension contribution of Shri Fernandes, Accounts Officer at the prescribed rates.

This order shall have immediate effect.

The Officers shall send C.T.C./Joining report to this Directorate on reporting to their new assignments.

Shri Agnelo B. Fernandes, Accounts Officer should move first.

By order and in the name of the Governor of Goa.

Norbert Moraes, Director of Accounts & Ex-officio Joint Secretary.

Panaji, 5th January, 2004.

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Department of Labour
Notification

No. 28/1/2003-LAB/929

The following Award passed by the Industrial Tribunal of Goa, at Panaji-Goa on 4-2-2003 in reference No. IT/8/2001, is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

V. R. Ghaisas, Under Secretary (Labour).

Panaji, 12th March, 2003.

IN THE INDUSTRIAL TRIBUNAL

GOVERNMENT OF GOA

AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/8/2001

Shri Ravindra K. Amonkar,
Rep. by the President,
Goa Trade & Commercial
Workers' Union,
Velho's Bldg., 2nd Floor,
Panaji Goa.

... Workman/Party I

V/s

M/s. Vishnool V. Kamat Tarcar,
Afonso de Albuquerque Road,
P. O. No. 16, Panaji Goa.

... Employer/Party II

Workman/Party I - Represented by Adv. Shri Suhas Naik.

Employer/Party II - Ex-Parte.

Dated: 4-2-2003.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 5-1-2001 bearing No. IRM/CON/(69)/2000/153 referred the following dispute for adjudication of this Tribunal.

1. Whether the action of the management of M/s. Vishnool V. Kamat Tarcar, Panaji-Goa in refusing employment to Shri Ravindra K. Amonkar, Salesman, with effect from 1-4-2000, is legal and justified?
2. If not, to what relief the workman is entitled?

2. On receipt of the reference a case was registered under No. IT/8/2001 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short "workman") filed his statement of claim at Exb.-3. The facts of the case in brief as pleaded by the workman are that he was appointed as a Salesman in the establishment of the Employer/Party-II (for short, "employer") w.e.f. 12-11-1970. That he worked continuously with the employer till the date when services were illegally terminated by refusing employment to him from 1-4-2000. That his last drawn salary was Rs. 1000/- p. m. and till the date of refusal of employment to him he had put in 30 years of continuous service with clean and unblemished past service records. That he approached the employer several times requesting to reinstate him in service but the employer refused his request and therefore by letter dated 22-5-2000 he raised the demand on the employer with a request to reinstate him with full back wages and continuity of service. That inspite of the said letter the employer remained adamant and therefore dispute was raised before the Asst. Labour Commissioner on 1-6-2000. That the matter was admitted in conciliation

the but employer did not attend the conciliation proceedings inspite of receiving notices from the office of the Labour Commissioner and therefore the conciliation proceedings ended in failure and the failure report dated 20-11-2000 was submitted to the Government by the Ass. Labour Commissioner. The workman contended that refusal of employment to him is in violation of the provisions of Section 25-F of the Industrial Disputes Act 1947 and that before illegally refusing employment to him the employer ought to have afforded a proper opportunity of being heard. The workman contended that before refusal of employment to him he was not issued any warning, memo, show cause notice or chargesheet nor any enquiry was conducted against him. The workman therefore claimed that he is entitled to reinstatement in service with full back wages and continuity of service as the action of employer of refusing employment to him from 1-4-2000 is illegal and unjustified.

3. The employer filed written statement at Exb. 5. The employer stated that it is not an industry as defined under Section 2(J) of the Industrial Disputes Act, 1947 and also that since the establishment of the employer is a shop the provisions of Goa, Daman and Diu Shops and Establishments Act, 1973 prevails upon the Industrial Disputes Act, 1947 and as such the workman ought to have taken recourse to the said Act as remedy is provided under the said Act in the event of termination of service of an employee. The employer stated that the reference made by the Government is not maintainable and this Tribunal has no jurisdiction to entertain and try the dispute. The employer denied that employment was refused to the workman from 1-4-2000. The employer stated that the workman remained absent from work from 1-4-2000 and started working with M/s. Tarcar Real Estates, Panaji. The employer denied that the workman was appointed as Salesman or that his last drawn wages were Rs. 1000/- p.m. The employer stated that the workman was working as a Helper and further denied that he had completed 30 years of service at the time of alleged refusal of employment to him. The employer denied that several requests were made by the workman to reinstate him and that the employer continued to refuse employment to him. The employer denied that demand was raised against it by the workman by letter dated 22-5-2000 or that dispute was raised before the Asst. Labour Commissioner on 1-6-2000. The employer stated that he had not received any letter from the Asst. Labour Commissioner or from the workman. The employer stated that the workman is not entitled to reinstatement in service with full back wages or to any other relief and the reference is liable to be rejected. Thereafter the workman filed rejoinder at Exb.-6.

4. On the pleadings of the parties following issues were framed at Exb.-7.

1. Whether the Party-I proves that he was employed with the Party II as a Salesman w.e.f. 12-11-1970 and that his last drawn wages were Rs. 1000/- per month?

2. Whether the Party I proves that the Party II refused employment to him from 1-4-2000 and that the said refusal is in contravention of the provisions of Sec. 25 F of the Industrial Disputes Act, 1947 ?
3. Whether the Party I proves that the action of the Party II in refusing employment to him w.e.f. 1-4-2000 is illegal and unjustified ?
4. Whether the Party II proves that it is not an 'Industry' as defined under Sec. 2(J) of the Industrial Disputes Act, 1947 and hence the reference is not maintainable ?
5. Whether the Party II proves that in view of the provisions of the Shops and Establishments Act, 1973, this Tribunal has no jurisdiction to decide the dispute ?
6. Whether the Party II proves that the Party I absented from work from 1-4-2000 and started working with M/s. Tarcar Real Estates, Panaji ?
7. Whether the Party I is entitled to any relief ?
8. What Award?

5. After the issues were framed the case was fixed for the evidence of the workman. However before the evidence was recorded Advocate Shri P. J. Kamat who was represented the employer submitted that he wants to give notice of withdrawal of his wakalatnama to the employer and accordingly at his request the case was adjourned and fixed on 21-1-2002 at 10.30 a.m. for recording the evidence of the workman. However on this date Advocate Shri Suhas Naik representing the workman sought time and at his request the case was fixed on 21-3-2002 for recording the evidence of the workman. On this date Advocate Shri P. J. Kamat filed an application dated 21-3-2002 Exb.-10 praying for permission to withdraw his wakalatnama from the case. Along with the said application he also produced the copy of the registered A/D notice dated 31-1-2002 and A/D card to show that he had given prior notice to the employer and that the said notice was received by it. Since advocate Shri P. J. Kamat had given proper notice to the employer intimating about the fixing of the case on 21-3-02 at 10-30 a.m. and also that on the said date he will withdraw his representation from the case, the application filed by Advocate Shri P. J. Kamat was allowed and he was discharged from appearing on behalf of the employer. Since none was present on behalf of the employer on 21-3-2002, the case was ordered to proceed ex-parte against the employer and subsequently the ex-parte evidence of the workman was recorded.

My findings on the issues are as follows:

- Issue No. 1: In the affirmative.
- Issue No. 2: In the affirmative.
- Issue No. 3: In the affirmative.
- Issue No. 4: In the negative.
- Issue No. 5: In the negative.

Issue No. 6: In the negative.

Issue No. 7: As per para below.

Issue No. 8: As per Order below.

REASONS

6. *Issue Nos. 4 & 5:* Both these issues are taken up together because they are relating to the maintainability of the reference itself. The employer took the defence in the written statement that the reference is not maintainable because it is not an 'industry' as defined under Sec. 2(J) of the Industrial Disputes Act, 1947 and that its establishment is a 'shop' under the provisions of the Goa, Daman and Diu Shops and Establishments Act, 1973 which provides for remedy in case of termination of services of an employee and therefore the workman ought to have taken recourse to the remedy provided under the said Act. Since the contention was raised by the employer regarding the maintainability of the reference, the burden was on the employer to prove the issue Nos. 4 and 5 by leading evidence. The case was proceeded ex-parte against the employer on 21-3-2002 since nobody appeared on behalf of the employer on the said date. This being the case the evidence of the workman has gone unchallenged nor there is any evidence on behalf of the employer. Thus the employer has totally failed to discharge the burden cast on it. The employer had to prove by evidence that its establishment does not fall within the meaning of "industry" as defined under Sec. 2(J) of the Industrial Disputes Act, 1947. There is nothing on record to show that the establishment of the employer is not an "industry". Therefore the issue No. 4 cannot be answered in favour of the employer. As regards the other issue there is no evidence from the employer to show that its establishment is a shop and the provisions of the Goa, Daman and Diu Shops and Establishments Act, 1973 applied to the workman. However, even if it is presumed that the establishment is a "shop" as defined under the Goa, Daman and Diu Shops and Establishments Act, 1973, and the provisions of the said Act applied to the workman, still there is no substance in the contention of the employer that this Tribunal has no jurisdiction and the reference is not maintainable because the workman ought to have taken recourse to the remedy provided under the said Act. This is because the Bombay High Court in the case of *Sinnar Bidi Udyog Ltd. V/s. Shri Keru Murlidhar Varhade and Ors*, reported in 1988 1 CLR 374 has held that merely because workman could have challenged the order of discharge or dismissal by preferring an appeal against the said order, the reference under Sec. 10(1) of the Industrial Disputes Act, 1947 does not become bad in law. In that case contention was raised on behalf of the Company that the reference was not maintainable because the workman should have challenged the order of dismissal from service by preferring appeal against the same under Sec. 31 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. The Bombay High Court held that though the workman were entitled to file appeal against the order of the employer of dismissal or discharge from service it

does not mean that a reference under Sec. 10(1) read with Sec. 12(5) of the Industrial Disputes Act, 1947 made by the appropriate Government to a appropriate authority under the Industrial Disputes Act would be bad in law. The High Court held that it was one of the remedies for the workmen to have preferred an appeal but just because they did not prefer an appeal and the Government of Maharashtra made reference for adjudicating upon the demands of the workmen for their reinstatement with continuity of service and back wages would not be bad in law. The above Judgment of the Bombay High Court squarely applies to the present case. Though appeal is provided under Sec. 40 of the Goa, Daman and Diu Shops and Establishments Act, 1973 against the order of termination, non preference of the appeal by the workman under the said Act and seeking remedy under the provisions of the Industrial Disputes Act, 1947 does not make reference bad in law nor this Tribunal ceases to have jurisdiction to adjudicate upon the dispute in view of the judgment of the Bombay High Court in the above referred case. In the circumstances I hold that the employer has failed to prove that its establishment is an "Industry" as defined under Sec. 2(J) of the Industrial Disputes Act, 1947 and also that this Tribunal has no jurisdiction to decide the dispute in view of the provisions of the Goa, Daman and Diu Shops and Establishments Act, 1973. I therefore answer the issue Nos. 4 and 5 in the negative.

7. *Issue No. 1:* As mentioned earlier there is evidence only from the workman and there is no evidence from the employer. As the case has proceeded ex-parte against the employer the evidence of the workman has gone un-challenged. The contention of the workman is that he was employed with the employer as a salesman from 12-11-1970 and that his last drawn wage was Rs. 1000/- p. m. In the written statement the employer has denied both the above contentions of the workman. The employer stated that the workman was employed as a helper. But the employer did not state what was his last wage drawn nor from which date he was employed. The workman however in the course of his evidence has produced the letter of appointment at Exb. W-1 which according to him was issued by the employer. There is no challenge to this letter of appointment from the employer. In this letter of appointment it is clearly stated that the workman is appointed as a salesman from 12-11-1970. The above documentary evidence therefore proves that the workman was employed with the employer as a salesman from 12-11-1970. The workman has stated that after he was refused employment, he raised dispute with the employer through Goa Trade and Commercial Workers Union by Registered A/D letter dated 22-5-2000 demanding payment of his balance dues and also allow him to report for duties. He has produced the said registered A/D letter dated 22-5-2000 along with the A/D card at Exb. W-2 colly. The A/D card shows that the employer had received the said letter. In the said letter it was clearly mentioned that the workman was being paid Rs. 1000/- p.m. There is no evidence on record to show that the employer replied to the said

letter or denied that the workman was being paid Rs. 1000/- p.m. If according to the employer the salary of the workman was not Rs. 1000/- p.m. then it was for the employer to state what amount of salary was being paid to the workman. But the employer did not state so in the written statement. It is well settled that in the case of word against word, the word of the workman is liable to be believed. Therefore in the absence of any specific pleading and evidence from the employer, the contention of the workman that his last drawn salary was Rs. 1000/- p.m. is liable to be believed. In the circumstances I hold that the workman has succeeded in proving that he was employed with the employer as a salesman with effect from 12-11-1970 and his last drawn salary was Rs. 1000/- p.m. I therefore answer the issue No. 1 in the affirmative.

8. Issue Nos. 2 and 6: Both these issues are taken up together because they are inter-related. It is the case of the workman that he was refused employment by the employer from 1-4-2000 when he reported for duties whereas it is the case of employer that the workman absented from work from 1-4-2000. In the present case there is evidence only from the workman and also he has not been cross-examined. The workman in his evidence has stated that he was working on the shop of the employer in the building known as Vistar Hotel, at Panaji as a Salesman. He has stated that he worked till 31-3-2000. He has stated that he worked till 31-3-2000 and when he reported for duties on 1-4-2000 he was refused employment. He has produced the letter dated 22-5-2000 along with the A/D card at Exb. W-2 colly written by the Goa Trade and Commercial Workers' Union to the employer raising the dispute. He has also produced the letter dated 1st June, 2000 written by the said union to the Asst. Labour Commissioner, Panaji. The copy of this letter was sent to the employer. In this letter also dispute is raised regarding refusal of employment to the workman and demand is made that the workman should be allowed to report for work with continuity of service. There is no evidence on record to show that the employer had replied to the said letter or had denied that the workman was refused employment. The minutes of the conciliation proceeding dated 16-10-2000 Exb. W-4 and the failure report dated 20-11-2000 Exb. W-5 show that though the employer was duly notified, there was no participation in the conciliation proceedings from the employer. The above evidence shows that there was sufficient opportunity to the employer to put forth its case that the workman was not refused employment but it is he who remained absent from 1-4-2000 and started working with M/s. Tarcar Real Estates Panaji. However, the employer did not take avail of this opportunity and on the contrary chose not to participate in the conciliation proceedings. Since the employer had taken the specific defence that the workman had absented from duties from 1-4-2000, the burden was on the employer to prove the same by leading some evidence. But no evidence came to be led by the employer either oral or documentary. If according to the employer the workman had remained absent from

1-4-2000, the employer ought to have issued a show cause notice or chargesheet to him and hold an enquiry or sent a letter to him asking him to report for duties. There is no evidence that such a thing was done by the employer. The defence which the employer took is as good as that of abandonment of service by the workman. In the case of Shankar Vishwakarma V/s. Eagle Spring Industries Pvt. Ltd. and Ors. reported in 1994 II LLJ 689, the Bombay High Court has held that it is now well settled that even in the case of abandonment of service the employer has to give a notice to the workman calling upon him to resume his duty and also to hold an enquiry before terminating his services on that ground.

9. The employer has taken the specific plea that the workman remained absent from 1-4-2000 and started working with M/s. Tarcar Real Estates. However there is absolutely no evidence in support of this plea. The employer has totally failed to prove that the workman was working with M/s. Tarcar Real Estates. In the case of Gangaram K. Modekar V/s. Zenith Safe Mfg. Co. and others reported in 1996 I CLR 172, the Bombay High Court has held that if it is a case of word against word, then the benefit should go to the workman and not to the employer. This being the case in the absence of any evidence from the employer that the workman absented from work and started working with M/s. Tarcar Real Estates, the contention of the workman that he was refused employment by the employer from 1-4-2000 is liable to be believed and accepted. I therefore hold that the workman has succeeded in proving that he was refused employment from 1-4-2000 and that the employer has failed to prove that the workman absented from work from 1-4-2000 and started working with M/s. Tarcar Real Estates.

10. The contention of the workman is that the employer ought to have complied with the provisions of Sec. 25 F of the Industrial Disputes Act, 1947. Sec. 2(o) of the Industrial Disputes Act, 1947 defines "retrenchment" as follows:

"Retrenchment" means the termination by the employer of the services of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include;

- (a) Voluntary retirement of the workman, or
- (b) Retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (bb) Termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

- (c) Termination of the service of a workman on the ground of continued ill health.

Refusal of employment to a workman is one of the modes of Termination of his service. In the present case admittedly the services of the workman were not terminated as a matter of punishment by way of disciplinary action nor the case of the workman falls within the exceptions laid down in Sec. 2(oo) of the Industrial Disputes Act, 1947. The Supreme Court in the case of *Gamon India Ltd. V/s. Niranjan Das* reported in 1984 1 LLJ 233 has held that it is now well settled that where the termination of service does not fall within any excluded categories, the termination would be ipso facto retrenchment. The employer had taken the defence that the workman had absented from work from 1-4-2000. The Punjab and Hariyana High Court in the case of *New Allenberry Works V/s. Industrial Tribunal cum-Labour Court* has held that once it is held that there was no abandonment of service on the part of the workman, it must follow that the termination would amount to retrenchment. In the circumstances I hold that refusal of employment to the workman by the employer amounts to retrenchment within the meaning of Sec. 2(oo) of the Industrial Disputes Act, 1947.

11. Now the question is whether the employer complied with the provisions of Sec. 25 F of the Industrial Disputes Act, 1947. Sec. 25 F lays down that a person who is in continuous service for not less than one year cannot be retrenched unless he has been given one month's notice or paid one month's wages in lieu of notice and he has been paid compensation at the rate of 15 days average wage per each completed year of continuous service or any part thereof in excess of six months. Sec. 25 B(2) of the Industrial Disputes Act, 1947 defines continuous service. It states that a person shall be deemed to be in continuous service under an employer for a period of one year if the workman during the period of 12 calendar months preceding the date with reference to which calculation is to be made has actually worked under the employer for not less than 190 days in the case of a workman employed below ground in a mine and 240 days in any other case. In the present case admittedly the workman was not employed below ground in a mine. Therefore it is to be seen whether the workman worked for 240 days. While deciding the issue No. 1 it has been held by me that the workman has succeeded in proving that he was employed as a salesman from 12-11-1970. While deciding the issue No. 2 it has been held by me that the workman has succeeded in proving that he was refused employment from 1-4-2000. Therefore obviously the workman has worked with the employer for more than 240 days prior to the date of refusal of employment to him. Infact the evidence on record shows that the workman was in continuous service for more than 29 years. In the circumstances the provisions of Sec. 25 F of the Industrial Disputes Act, 1947 applied to the workman. The workman in his evidence has stated that he was not given one month's notice prior to refusal of employment to him nor he was paid one month's wages

in lieu of notice nor he was paid retrenchment compensation. There is no challenge to this statement of the workman. In fact in view of the defence taken by the employer that the workman had absented from work from 1-4-2000 which defence the employer has failed to prove, obviously there could not have been compliance of the provisions of Sec. 25 F of the Act from the employer. In the circumstances I hold that the workman has succeeded in proving that the refusal of employment to him by the employer from 1-4-2000 is in violation of the provisions of Sec. 25 F of the Industrial Disputes Act, 1947. In the light of what is discussed above I answer the issue No. 2 in the affirmative and the issue No. 6 in the negative.

12. Issue No. 3: The contention of the workman is that refusal of employment to him by the employer with effect from 1-4-2000 is illegal and unjustified. It has been held by me that the employer has not complied with the provisions of Sec. 25 F of the Industrial Disputes Act, 1947. The question is whether the refusal becomes illegal if the provisions of Sec. 25 F of the Act are violated. Refusal of employment is one of the modes of termination of service. The Bombay High Court in the case of *Alexander Yesudas Mikel V/s. Perfect Oil Seals and IRP & Ors.* reported in 1995 1 CLR 942 has held that if the provisions of Sec. 25 F are not complied with the retrenchment becomes void ab-initio, illegal and in-valid. The Supreme Court in the case of *M/s. Avon Services Production Agency Pvt. Ltd. V/s. Industrial Tribunal Hariyana & Others* reported in AIR 1979 SC 170 has held that giving of notice and payment of compensation is a condition precedent in the case of retrenchment and failure to comply with the provisions prescribing for valid retrenchment in Sec. 25 F, renders the order of retrenchment invalid and inoperative. Same principles are laid down by the Supreme Court in the case of *Gammón India Ltd. V/s. Niranjandas* reported in (1984) 1 SCC 509. In the present case admittedly there was no compliance of Sec. 25 F of the Industrial Disputes Act, 1947 from the employer. In the circumstances applying the law laid down by the Supreme Court and the Bombay High Court in the above referred cases I hold that the refusal of employment by the employer to the workman w.e.f. 1-4-2000 is illegal and unjustified. I therefore answer the issue No. 3 in the affirmative.

13. Issue No. 7: This issue pertains to the relief to be granted to the workman. It has been held by me that the refusal of employment to the workman from 1-4-2000 by the employer is illegal and unjustified. In the case of *Sayyad Anwar V/s. Divisional Controller, MSRTC, Aurangabad and others* reported in 2000 (2) Bom. L C 388 the Bombay High Court has held that it is now well settled that if an order of dismissal or termination or discharge or retrenchment is set aside as illegal, improper, the normal relief of reinstatement with full back wages and continuity of service must follow unless the employer pleads and proves and brings on record cogent material to enable the Labour Court to depart from the above said normal rule. In the present case the workman has produced his appointment letter at

Exb. W-1. This appointment letter contains the terms and conditions of services. Clause (viii) of the said appointment letter states that the age of retirement shall be on completion of his 58 years of age or on completion of 30 years of service whichever is earlier. The appointment letter states that the workman was employed from 12-11-1970 which is also the case of the workman. The date of birth of the workman on the appointment letter is mentioned as 26th February, 1948. The age of retirement being 58 years the workman would have retired on 25th February, 2006. However, as per the appointment letter the workman was to retire on completion of 30 years of service though he had not completed 58 years of age. Since the workman was employed from 12-11-70 he would have completed 30 years of service on 11-11-2000 if he was not refused employment, and consequently he would have retired from service from 12-11-2000. This being the case there is no question of granting reinstatement in service to the workman. However, since the refusal of employment to the workman from 1-4-2000 is held by me as illegal and unjustified, he will be entitled to full back wages for the period from 1-4-2000 to 11-11-2000 and other retirement benefits if any. In the circumstances I hold that the workman is not entitled to reinstatement in service but he is entitled to full back wages for the period from 1-4-2000 to 11-11-2000 and Other retirement benefits if any. I therefore answer the issue No. 7 accordingly.

Hence I pass the following order.

ORDER

It is hereby held that the action of the management of M/s. Vishnool V. Kamat Tarcar, Panaji-Goa in refusing employment to Shri Ravindra K. Amonkar, Salesman, with effect from 1-4-2000 is illegal and unjustified. It is however held that Shri Ravindra K. Amonkar is not entitled to reinstatement in service but he is entitled to receive full back wages for the period from 1-4-2000 to 11-11-2000 and other retirement benefits if any.

No order as to cost.

Inform the Government accordingly.

Sd/-
(Ajit J. Agni),
Presiding Officer,
Industrial Tribunal.

Department of Law & Judiciary

Law (Establishment) Division

Order

No. 5-37-91/LD(Estt.)

- Read:-
1. Order No. 5-37-91/LD(Estt.) dated 2-11-1993.
 2. Order No. 5/13/93/LD(Estt.) dated 28-4-1994.
 3. Order No. 4-32-92-93/LD(ii) dated 22-9-1994.

4. Order No. 4-32-92-93/LD(ii) dated 2-1-1995.
5. Order No. 5-13-93/LD(Estt.) dated 29-6-1995.
6. Order No. 5-13-93/LD(Estt.) dated 29-12-1995.
7. Order No. 5-13-93/LD(Estt.) dated 1-7-1996.
8. Order No. 5-13-93/LD(Estt.) dated 24-1-1997.
9. Order No. 5-13-93/LD(Estt.) dated 16-1-1997.
10. Order No. 5-13-93/LD(Estt.) dated 12-1-1998.
11. Order No. 5/11/93-LD(Estt.) dated 2-4-1998.
12. Order No. 5/11/93-LD(Estt.) dated 9-10-1998.
13. Order No. 5-11-93-LD(Estt.) dated 30-3-1999.
14. Order No. 5-12-93/LD(Estt.) dated 8-5-2000.
15. Order No. 5-12-93/LD(Estt.) dated 15-11-2000.
16. Order No. 5-12-93/LD(Estt.) dated 12-4-2001.
17. Order No. 5/13/93-LD(Estt.) dated 3-10-2001.
18. Order No. 5/37/91-LD(Estt.) dated 25-3-2002.
19. Order No. 5/37/91-LD(Estt.) dated 24-9-2002.
20. Order No. 5/37/91/LD(Estt.) dated 28-3-2003.
21. Order No. 5/37/91/LD(Estt.) dated 15-10-2003.

On the recommendation of the Departmental Promotion Committee as conveyed by Goa Public Service Commission, vide their Confidential letter No. COM/II/11/58(2)/2003 dated 9-12-2003, Government is pleased to promote Shri P. V. S. Sardesai, Civil Registrar-cum-Head of Registers & Notary Services (Group 'B' Gazetted) in the pay-scale of Rs. 6500-200-10500, on regular basis, with immediate effect.

In terms of Orders cited above, Shri Sardesai, has continuously held the post of District Registrar-cum-Head of Registers and Notary Services on ad hoc basis from 5-11-1993 till date. Hence, his pay shall be fixed as per rules and option if any, for fixation of pay shall be exercised by him within a month from the date of this Order.

The expenditure on pay/allowances shall be debitable to the Budget Head from which he is drawing his salary at present.

By order and in the name of the Governor of Goa.

Mario da Silva, Under Secretary (Law).

Panaji, 29th December, 2003.

Court of District & Sessions
Judge - Panaji-Goa.

List of Public Holidays and Vacations for the year 2004 approved by the Hon'ble High Court for the District and Subordinate Courts in North Goa District

Sr. No.	Holidays	Date	Days of the week
1	2	3	4
01.	New Year Day	01-01-2004	Thursday
02.	Republic Day	26-01-2004	Monday

1	2	3	4
03.	Bakri-Id	02-02-2004	Monday
04.	Mahashivratri	18-02-2004	Wednesday
05.	Chattrapati Shivaji Maharaj Jayanti	19-02-2004	Thursday
06.	Moharrum	02-03-2004	Tuesday
07.	Ram Navami	30-03-2004	Tuesday
08.	Good Friday	09-04-2004	Friday
09.	Dr. Babasaheb Ambedkar Jayanti	14-04-2004	Wednesday
10.	Maharashtra Day/ /May Day	01-05-2004	Saturday
11.	Buddha Pournima	04-05-2004	Tuesday
12.	Gopal Kala	07-09-2004	Tuesday
13.	Ganesh Chaturthi	18-09-2004	Saturday
14.	Mahatma Gandhi Jayanti	02-10-2004	Saturday
15.	Dasara	22-10-2004	Friday
16.	Diwali (Narak Chaturdashi)	11-11-2004	Thursday
17.	Ramzan Id	15-11-2004	Monday
18.	Feast of St. Francis Xavier	03-12-2004	Friday

**NO DAYS HAVE BEEN PROPOSED AS
HOLIDAYS ON ACCOUNT OF:-**

01.	Holi	07-03-2004	Sunday
02.	Gudi Padwa	21-03-2004	Sunday
03.	Id-e-Milad	02-05-2004	Sunday
04.	Goa State Hood Day	30-05-2004	Sunday
05.	Independence Day	15-08-2004	Sunday
06.	Ganesh Chaturthi (Second day)	19-09-2004	Sunday
07.	Balipratipada	13-11-2004	2nd Saturday
08.	Bhau Bij	14-11-2004	Sunday
09.	Goa Liberation Day	19-12-2004	Sunday
10.	Christmas	25-12-2004	4th Saturday

SUMMER VACATION

From: 03-05-2004 to 06-06-2004 (Both days inclusive)

WINTER VACATION

From: 27-12-2004 to 02-01-2005 (Both days inclusive)

Note: Please note that the Hon'ble High Court has clarified that these notified holidays and vacations are likely to be modified in near future as per the recommendations of Shetty Commission and directions issued by the Hon'ble Supreme Court of India in Writ No. 1022/89 (All India Judges' Association Vs. Union of India and others).

A. D. Salkar, District and Sessions Judge.

Panaji, 5th January, 2004.

**Department of Panchayat Raj and
Community Development**

Directorate of Panchayats

Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/41

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule hereinbelow has been elected as Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 1-12-2003.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Name & Address of the Dy. Sarpanch
1	2	3
1.	Village Panchayat Karapur-Sarvan, Bicholim Block.	Smt. Apama Jitendra Rane Sardessai, Vithalpur-Karapur, Sanquelim-Goa.

P. M. Borkar, Director of Panchayats.

Panaji, 2nd January, 2004.

Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/42

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 1-12-2003 and 5-12-2003.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Name & Address of the Sarpanch
1	2	3
1.	V. P. Ambelim	Shri Suraja V. Fernandes, H. N. 588/1, Pimplafol, Ambelim.
2.	V. P. Telaulim	Smt. Nelsa Cardozo, H. No. 419 Coldem, Telaulim, Salcete-Goa.

P. M. Borkar, Director of Panchayats.

Panaji, 2nd January, 2004.

Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/43

In pursuance of sub-section (1) of section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule hereinbelow has been elected as Dy. Sarpanch to the

Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 5-12-2003.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Name & Address of the Dy. Sarpanch
1	2	3
1.	Village Panchayat Naroa Bicholim Block.	Shri Deepak Chandrakant Vengurlekar, Deulwada Naroa Bicholim Goa.

P. M. Borkar, Director of Panchayats.

Panaji, 2nd January, 2004.

Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/44

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule hereinbelow has been elected as Sarpanch/Dy. Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 5-12-2003.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Name & Address of the Sarpanch/Dy. Sarpanch
1	2	3
1.	Village Panchayat Poinguinim Canacona Block.	Shri Kusta Narayan Talpankar, Muthal-Sadlshem, Canacona-Goa. Smt. Conceicao D'Costa, Galgibag, Poinguinim, Canacona.

P. M. Borkar, Director of Panchayats.

Panaji, 2nd January, 2004.

Notification

No. 19/32/DP/PAN/Sarp-Dy-Sarp/98/VP-II/45

In pursuance of sub-section (1) of Section 46 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) it is hereby notified for the information of the public that the member mentioned in column No. 3 of the schedule hereinbelow has been elected as Sarpanch to the Panchayat mentioned in the corresponding entry No. 2 of the said schedule in the meeting held on 10-12-2003.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Name & Address of the Sarpanch
1	2	3
1.	Village Panchayat Carambolim Tiswadi Block.	Shri Tulsidas Dattu Madkaikar, H. No. 454, Gaunsbhat, Carambolim, Tiswadi-Goa.

P. M. Borkar, Director of Panchayats.

Panaji, 2nd January, 2004.

Department of Public Health

Office Memorandum

No. 13/106/87-I/PHD(M.R.)

It has been observed that despite standing instructions issued from time to time, some of the Departments directly obtain relaxation of the Government for the medical treatment taken by their employees or their dependant family members in Hospitals other than the District Hospitals (Asilo Mapusa/Hospicio Hospital, Margao) and the Goa Medical College Hospitals, without giving the Public Health Department an opportunity to examine such claims under the C. C. S. (Medical Attendance) Rules, 1964.

2. In a recent case, the office of the Chief Engineer, Water Resources Department processed the M. R. Claim of one of their Officer and obtained Government relaxation for his wife's medical treatment taken in Mumbai without being referred by the Goa Medical College, when actually it was not a case of emergency and could have been very well treated in the Goa Medical College Hospital. When finally the file was received in the Public Health Department, it was a case of "fait accompli" and the Department was left with no alternative but to ratify the action in order not to cause prejudice to the said officer.

3. Against this background, it is once again considered necessary to issue fresh instructions as under:

- Whenever a Government servant or his/her dependant family members requires medical investigation or treatment, he/she should be taken to the Goa Medical College Hospitals. In the event the required investigation/treatment is not available or possible in the said Hospitals, the Head of the Department in the concerned speciality will recommend the patient to any Hospital within or outside the State of Goa which is recognized by the Government for the said investigation/treatment.
- After the required investigation/treatment is obtained from the referral Hospital, the employee concerned will submit the medical reimbursement claim to the Medical Superintendent, Goa Medical College, in order to scrutinize the bills and certify the reasonability of the charges of the referral Hospital.
- The employee concerned will then submit the M. R. Claim (alongwith the T. A. Bill if the travel is outside Goa) to the Public Health Department through the respective Administrative Department to process the claim and obtain approval of the Government, including relaxation, if required.

- d) Under the Medical Attendance Rules, only Goa Medical College is empowered to certify one way air travel whenever an employee or his dependant family member is required to travel outside Goa for any specialized treatment, with or without an attendant, if the circumstances so warrant. In so far as the return journey is concerned, the claim for air travel will be entertained only if it is certified by the Authorised Medical Attendant or the Specialist from the referral Hospital who has treated or operated the patient that the patient has to travel by air, with or without an attendant. Such claims should be invariably supported by the air tickets in proof of the journey performed, without which the Finance Department, whose concurrence is required for the air travel, will not approve.

4. All Heads of Departments/offices and Secretaries to Government are advised to go through these instructions carefully, and also bring them to the notice of the employees working under their administrative control, for strict compliance in future.

D. S. Negi, Chief Secretary.

Panaji, 12th December, 2003.

Order

No. 25/18/2003-I/PHD

Consequent upon the recommendation of Committee constituted for the purpose, the Government is pleased to recognise "OM Urology Centre, Campal-Panaji, Goa" under Mediclaim Scheme for the residents of the State of Goa as well as for the purpose of Medical Reimbursement of Government Employees, Freedom Fighters, MLAs etc. under the Central Services (Medical Attendance) Rules, 1944, for the following procedures/facilities for which treatment is not available in Goa Medical College, Bambolim, Goa:-

1. Extra Corporeal Short Wave Lithotripsy (E. S. W. L.).
2. Per Cutaneous Nephro Lithotomy (P. C. N. L.).

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Panaji, 23rd December, 2003.

Order

No. 38/29/2003-I/PHD/15

Government is pleased to recognise the below mentioned Centre for the purpose of Medical Reimbursement of Government Employees, Freedom

Fighters, MLAs, etc. for Magnetic Resonance Imaging (MRI) Scans/Examinations under Medical Attendance Rules, 1944 w.e.f 15-10-2003 for which treatment is not available in Goa Medical College, Bambolim.

"SAIDA MRI Scan Centre,
Mathais House,
Near Holy Cross,
Bambolim, Goa."

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Panaji, 29th December, 2003.

Order

No. 8/33/99-I/PHD/2

Read: Order No. 8/2/2003-III/PHD dated 11-6-2003

Government is pleased to accept the technical resignation tendered by Dr. (Mrs) Nayana Sanjay Naik, Medical Officer in Asilo Hospital Mapusa, under the Directorate of Health Services with immediate effect, consequent upon her appointment as Lecturer in Psychiatry at Institute of Psychiatry and Human Behaviour, Bambolim.

Government is also pleased to transfer Dr. Seethiraju Lalitha, Medical Officer, Primary Health Centre, Candolim and post her in place of Dr. Nayana S. Naik, Medical Officer in Asilo Hospital, Mapusa with immediate effect and until further orders.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Panaji, 1st January, 2004.

Corrigendum

No. 32/5/2002-I/PHD/11

Read: Order No. 32/5/2002-I/PHD dated 28-11-2002

The second para of the office order cited above shall be substituted to read as under:

The expenditure is to be debited under the Budget Head "2210-Medical & Public Health, 03-Rural Health Services Allopathy, 104-Community Health Centre, 02-Community Health Centre (NP), 01-Salaries".

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Panaji, 1st January, 2004.